

December 4, 2019

Via PACER CM/ECF Only

United States District Court
Southern District of New York
Katherine Polk Failla
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: Dunbar, Kirkpatrick v. 641 10th Avenue LLC, et al.
SDNY Docket No: 1:19-cv-08586-KPF
RPGK File No.: 3748.1682

Dear Judge Failla:

My office represents the defendant 641 10th Avenue, LLC in the above-captioned matter.

This application is made jointly on behalf of all parties that have appeared in this matter requesting an adjournment of the Initial Pretrial Conference, currently scheduled for December 17, 2019, to Monday February 3, 2020. Defendant 641 10th Avenue LLC's answer is currently due by January 2, 2020 (Dkt. # 10).

It has recently come to our attention that plaintiff may have sued an incorrect party. Defendant 641 10th Avenue LLC is the record owner of the property claimed to be in violation of the Americans with Disabilities Act ("ADA"), located at 641 10th Avenue in Manhattan. Plaintiff allegedly visited the establishment on August 23, 2019, at which time plaintiff alleges he could not patronize same due to alleged violations of the ADA. See Complaint, Dkt. # 1, ¶ 3. In addition to my client, plaintiff intended to also name the ground floor commercial tenant of record at the premises. The tenant of record operating at the location as of the date of plaintiff's alleged attempted visit, however, was (and still is), "At Thai 641 Corp., d/b/a Siam Restaurant." This entity has been the tenant of record at the subject premises since January 1, 2018, nearly 2 years prior to plaintiff's alleged attempted visit to the premises. Plaintiff instead named as the tenant Rim Nam Corp., which did business as "Siri Thai Restaurant" and, upon information and belief, is no longer a going concern.

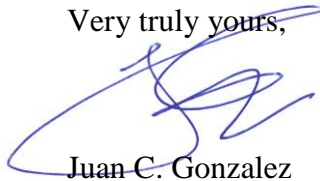
Notwithstanding same, counsel for the correct tenant ("At Thai 641 Corp., d/b/a Siam Restaurant") became aware of this action and notified plaintiff's counsel and your undersigned about the misnaming of the tenant, and has expressed a desire to attempt to reach a settlement of this matter as between all parties (and the un-named tenant), thereby potentially obviating the need for a pretrial conference and a need for amendment of pleadings.

Accordingly, the parties wish to adjourn the Initial Pretrial Conference, currently scheduled for December 17th, to February 3, 2020.

This is the first such request, and all parties consent to the adjournment for the reasons outlined above.

As always, I thank the Court for its time and courtesies with this, as in every matter.

Very truly yours,



Juan C. Gonzalez

cc: Ismail Sinan Sekdeniz, Esq.
Sekendiz Law Firm, P.C.
Attorneys for Plaintiff Dunbar Kirkpatrick
45 Broadway, Suite 1420
New York, NY 10006
(Via CM/ECF Only)

RIM NAM CORP.
641 10th Avenue
New York, NY 10036
(No Appearance – Via Regular Mail)

AT THAI 641 CORP., d/b/a SIAM RESTAURANT
c/o Michael Konopka, Esq.
641 10th Avenue
New York, NY 10036
konopka@mflaw.com
(Via Electronic Mail)

Application GRANTED. The initial pretrial conference currently scheduled for December 17, 2019, is hereby ADJOURNED to February 18, 2020, at 2:00 p.m. in Courtroom 618 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York.

Dated: December 5, 2019
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE

A copy of this Order was mailed by Chambers to:

RIM NAM CORP.
641 10th Avenue
New York, NY 10036

A copy of this Order was mailed by Chambers to:

AT THAI 641 CORP.
c/o Michael Konopka, Esq.
641 10th Avenue
New York, NY 10036